

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FUNCTION MEDIA, L.L.C.

Plaintiff,

vs.

GOOGLE INC. AND YAHOO!, INC.

Defendants.

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Civil Action No. 2007-CV-279

JURY TRIAL DEMANDED

**[PROPOSED] ORDER DENYING IN PART
GOOGLE'S MOTION IN LIMINE NO. 9**

Before the Court is Google's Motion in Limine No. 9. After considering said Motion, and the opposition and replies thereto, the Court finds that the Motion should be and hereby is **DENIED IN PART**. Google's motion is **DENIED** to the extent that Google opens the door at trial by asserting that Function Media did not test, or test appropriately, a certain feature or functionality of the Accused Products. Google's motion is **OTHERWISE GRANTED**.